

### **SUPPLEMENTAL NOTICE OF ALLOWANCE**

This action is in response to the papers filed January 4, 2010.

#### ***Election/Restrictions***

1. **Claim 1 is allowable.** Claims 2-4, 6, 10-12 and 14 and 25-26, previously withdrawn from consideration as a result of a restriction requirement, require all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP §821.04(a), the restriction requirement among inventions species, as set forth in the Office action mailed on July 25, 2006, is hereby withdrawn and Claims 2-4, 6, 10-12 and 14 and 25-26 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, Applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP §804.01.

#### ***Information Disclosure Statement***

Applicant has filed an Information Disclosure Statement on December 19, 2006. In the Office Action mailed June 12, 2007, the Examiner stated that said IDS had been considered; however, it appears that Applicant did not receive a copy of the signed and initialed PTO Form 1449 along with said Office Action.

To clarify the record, the Yamamoto et al (1997) citation was lined through because the Examiner had already entered this reference into the record in the Office Action mailed October 12, 2006.

A signed and initialed PTO Form 1449 is mailed with this action.

#### ***Examiner's Amendment***

2. **An Examiner's amendment to the record appears below.** Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with Applicant's representative Monica de la Paz on November 18, 2009.

Claim 1 has been re-written as follows:

1. A method of identifying a compound that inhibits binding of MUC1 to a tumor progressor, the method comprising:

(a) providing a MUC1 test agent, wherein the MUC1 test agent comprises a phosphorylated YEKV site;

(b) providing a tumor progressor test agent that has increased binding to the phosphorylated MUC1 test agent as compared to a MUC1 test agent that does not comprise a phosphorylated YEKV site;

(c) contacting the phosphorylated MUC1 test agent with the tumor progressor test agent in the presence of a test compound; and

(d) determining whether the test compound inhibits binding of the phosphorylated MUC1 test agent to the tumor progressor test agent.

3. **The following is an Examiner's statement of reasons for allowance:** The prior art does not teach or fairly suggest the phosphorylation of the YEKV site in MUC1 to be important for the binding of MUC1 to tumor progressor agents such as c-Src, EGF-R and  $\beta$ -catenin. The prior art does not teach or fairly suggest comparing the binding affinities of a tumor progressor agent to a MUC1 test agent comprising a phosphorylated YEKV site to the binding affinity of a MUC1 test agent that does not comprise a phosphorylated YEKV site.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. Claims 1-17, 19 and 22-26 are allowed.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kevin K. Hill whose telephone number is 571-272-8036. The Examiner can normally be reached on Monday through Friday, between 9:00am-6:00pm EST.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Joseph T. Woitach can be reached on 571-272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin K. Hill/  
Examiner, Art Unit 1633